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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,  
COLORADO, CONNECTICUT,  
DELAWARE, ILLINOIS, IOWA,  
MARYLAND, MINNESOTA, NEW  
JERSEY, NEW MEXICO, NORTH  
CAROLINA, OREGON, RHODE  
ISLAND, VERMONT, and  
WASHINGTON;  
COMMONWEALTHS OF  
MASSACHUSETTS,  
PENNSYLVANIA, and VIRGINIA;  
DISTRICT OF COLUMBIA; CITIES  
OF CENTRAL FALLS, CHICAGO,  
COLUMBUS, NEW YORK,  
PHILADELPHIA, PHOENIX,  
PITTSBURGH, PROVIDENCE, and  
SEATTLE; CITY and COUNTY of  
SAN FRANCISCO; COUNTIES OF  
CAMERON, EL PASO, HIDALGO,  
and MONTEREY; and the UNITED  
STATES CONFERENCE OF  
MAYORS,

Plaintiffs,

v.

CIVIL ACTION NO. 1:18-cv-2921 (JMF)

**PLAINTIFF CITY OF PHOENIX'S  
INITIAL DISCLOSURES**

UNITED STATES DEPARTMENT  
OF COMMERCE; and WILBUR L.  
ROSS, JR., in his official capacity as  
Secretary of Commerce,

and

BUREAU OF THE CENSUS, an  
agency within the United States  
Department of Commerce; and RON S.  
JARMIN, in his capacity as performing  
the non-exclusive functions and duties  
of the Director of the U.S. Census  
Bureau,

Defendants.

Pursuant to Fed R. Civ. P. 26(a)(1), Plaintiff the City of Phoenix (the “City of Phoenix”), by its attorney, Patricia J. Boland, Assistant Chief Counsel, makes the following Initial Disclosures.

### **INTRODUCTION**

1. These Initial Disclosures are based upon information presently known to the City of Phoenix. They are made without prejudice to producing during discovery or at trial information, documents, or data that are (a) subsequently discovered or determined to be relevant for any purpose, or (b) produced as a result of ongoing investigations, or (c) subsequently determined to have been omitted from these disclosures.

2. Plaintiff City of Phoenix reserves the right at any time to revise and/or supplement these Initial Disclosures.

3. Plaintiff City of Phoenix hereby expressly reserves all objections to the use for any purpose of these Initial Disclosures or any of the information and documents referenced herein in this case. By referring to documents in the Initial Disclosures, Plaintiff City of Phoenix makes no representations or concessions regarding the relevancy or appropriateness of any particular

documents or types of documents.

4. Plaintiff City of Phoenix's identification of individuals pursuant to Rule 26(a)(1)(A)(i) is not intended to preclude Plaintiff from obtaining discovery of individuals not presently identified. Plaintiff City of Phoenix incorporates all individuals identified by all other parties in Plaintiff's Initial Disclosures and reserves the right to depose, and to rely upon the testimony of, all such individuals in support of its claims.

5. Plaintiff City of Phoenix's identification or production of documents pursuant to Rule 26(a)(1)(A)(ii) is limited to those documents within its possession, custody or control. Plaintiff City of Phoenix reserves the right to use all documents produced by any party or non-party to this action. With these Initial Disclosures, Plaintiff City of Phoenix is not identifying documents protected from disclosure by the attorney-client, work product or other applicable privileges. Nor does Plaintiff City of Phoenix waive the right to object to Defendants' discovery requests on any basis, including, but not limited to, relevancy, over-breadth, and all applicable privileges.

### **INITIAL DISCLOSURES**

#### **I. Fed R. Civ. P. 26(a)(1)(A)(i) disclosures:**

The below listed persons are likely to have discoverable information that Plaintiff City of Phoenix may use to support Plaintiff's claims as detailed in the Second Amended Complaint. Plaintiff City of Phoenix expressly reserves the right to supplement this disclosure:

Name	Contact Information	Subject of Discoverable Information
U.S. Congressman Ruben Gallego	Contact through Counsel for the City of Phoenix	Elected in 2014, Congressman Gallego represents Arizona's 7th district, a majority of which is within Phoenix. Congressman Gallego has been highly involved

		with the issues of adding a citizenship question to the decennial questionnaire and how it will impact the constituents he represents.
Amanda Bernal-Ransom, Vice President of Resource Development with Chicanos Por La Causa, Inc. (“CPLC”)	Contact through Counsel for the City of Phoenix	As the Vice President of Resource Development, Ms. Bernal-Ransom is responsible for responding to requests for proposals from foundation, local, State and Federal agencies. Ms. Bernal-Ransom has knowledge of the importance to CPLC that Phoenix get a correct census count. Many of the requests submitted by CPLC require data that speaks to economic and social factors that rely on census data to collect as that is considered an unbiased and accurate count. Without a truly comprehensive census count, CPLC has a diminished chance of truly showing the need for services and therefore being awarded grant dollars for those services provided.
Martin Quintana, President and CEO, Friendly House, Inc.	Contact through Counsel for the City of Phoenix	Friendly House, Inc. is a longstanding non-profit organization that was established in 1920 to serve the immigrant community with workforce development and job skills training services. Friendly House continues to provide those services, and has now expanded its service offerings to include elementary education, family support services, and workforce readiness & education. Via these services, Family House serves over 15,000 individuals per year

		throughout the Phoenix area. As such, Mr. Quintana has knowledge on these topics, including the impact of a citizenship question in the census on the immigrant community in Phoenix.
Terry Benelli, Executive Director, Local Initiatives Support Corporation (“LISC”) Phoenix	Contact through Counsel for the City of Phoenix	Terry Benelli is responsible for raising capital and resources locally that are leveraged by National LISC’s support, providing the strategic direction and guidance for all aspects of LISC Phoenix local operations and programs as well as determining key priorities that equip talent in underinvested communities with the skills and credentials to compete successfully for quality income and wealth opportunities. As such, Ms. Benelli has knowledge of these topics, including the impact of a citizenship question in the census on the immigrant community in Phoenix.
Petra Falcon, Executive Director, Promise Arizona, (“PAZ”)	Contact through Counsel for the City of Phoenix	Petra Falcon leads Promise Arizona with over 25 years working in the non-profit community and her organization aims to unite millions of Arizonans who believe in treating all of their neighbors with fairness, and dignity. These like-minded individuals share a common interest in good jobs, a robust economy, quality education and safe communities in which to raise children. Ms. Falcon has knowledge of these topics, including the impact of a citizenship question in the census

		on the immigrant community in Phoenix.
<p>Patricia K. Hibbeler, ABD, MA</p> <p>CEO of the Phoenix Indian Center</p>	Contact through Counsel for the City of Phoenix	<p>Patricia K. Hibbeler is the Chief Executive Officer of the Phoenix Indian Center, Inc., an organization with a 71-year history and the first urban based Indian Center in the nation. Ms. Hibbeler works on behalf of the American Indian people living in urban based Phoenix/Maricopa County, focusing on workforce development, prevention, youth development and language/cultural revitalization and community engagement. Ms. Hibbeler has knowledge of the impact of a citizenship question in the census on the American Indian and immigrant community in Phoenix.</p>
<p>Jeffery Barton, Budget and Research Director, City of Phoenix</p>	Contact through Counsel for the City of Phoenix	<p>Mr. Barton is responsible to the oversight, planning, forecasting and overall executive management of the City's multibillion dollar capital and operation budget. He has knowledge of the financial impacts that an undercounted census will have on Phoenix.</p>
<p>Kenneth Kessler, Acting Public Transit Director, City of Phoenix</p>	Contact through Counsel for the City of Phoenix	<p>Mr. Kessler is responsible for the operations of the City's Public Transit Department, which is largely dependent on federal funding to maintain the department's capital and operation daily functions. The department is also the Federal Transit Administration Grant Designee; as such, the department is responsible for the</p>

		oversight of billions of dollars to support transit operations and infrastructure. Mr. Kessler has knowledge of these topics, including the funding impacts to the City of a citizenship question on the census.
Marchelle Franklin, Human Services Director, City of Phoenix	Contact through Counsel for the City of Phoenix	Ms. Franklin is the city executive responsible for our human service programs, which are largely supported by federal funding and grants. Working on these types of programs for many years, Ms. Franklin has knowledge of the major impacts an undercount in Phoenix would have as programs could potentially not have adequate levels of funding for the people they serve daily.
Anubhav Bagley, Regional Analytics Director, Maricopa Association of Governments (“MAG”)	Contact through Counsel for the City of Phoenix	Mr. Bagley has been with MAG in various roles for 18 years and is the Regional Analytics Director at the Maricopa Association of Governments. He is responsible for regional socioeconomic datasets, geographic information systems, census activities, population projections and estimates, and the development and maintenance of regional land use models. Mr. Bagley has knowledge of the impact the census has on redistricting in Maricopa County and the demographics of the City of Phoenix.
Albert Santana, Census Director, City of Phoenix	Contact through Counsel for the City of Phoenix	Mr. Santana is responsible for the overall execution of the Phoenix Census 2020 campaign. In this role he also is leading efforts, with the community, on

		<p>proactively developing a plan and needed resources to mitigate any issues/barriers that may occur when educating and motivating all people living in Phoenix to participate and ultimately respond to the 2020 census. Also, prior to this role, he oversaw the city's light rail transit and bus rapid transit program, as such, he also understands the importance and direct relationship an accurate census count has on federal funding support for high capacity transit in Phoenix. Mr. Santana has knowledge of these topics, including the mitigation efforts needed to be undertaken by the City of Phoenix in the upcoming census and the demographics of the City of Phoenix.</p>
<p>Joshua S. Sellers, JD, Ph.D. Associate Professor of Law, Arizona State University, Sandra Day O'Connor College of Law</p>	<p>Contact through Counsel for the City of Phoenix</p>	<p>Professor Sellers is an Associate Professor of Law at Sandra Day O'Connor College of Law, Arizona State University. He holds a B.A. from the University of Michigan, and a Ph.D. and J.D. from the University of Chicago. His principal areas of research and teaching are in election law, legislation and regulation, constitutional law, and civil procedure. Professor Sellers has knowledge regarding the negative impact an undercount will have on the City of Phoenix's representational interests.</p>



**II. Fed R. Civ. P. 26(a)(1)(A)(ii) disclosures:**

Plaintiff City of Phoenix hereby incorporates by reference all documents or electronically stored information disclosed by other Plaintiffs. In addition, the City of Phoenix discloses the following documents.

Plaintiff City of Phoenix expressly reserves its right to supplement this disclosure.

<u><b>Document Description</b></u>	<u><b>Document Location</b></u>
Map that shows how much of the City of Phoenix is in low-moderate income census tracts along with every neighborhood group in those areas	Counsel for the City of Phoenix will produce this document when received

**III. Fed R. Civ. P. 26(a)(1)(A)(iii) disclosures – Computation of Damages:**

Not applicable.

**IV. Fed R. Civ. P. 26(a)(1)(A)(iv) disclosures – Insurance Statements:**

Not applicable.

**V. Fed. R. Civ. P. 26(a)(2)(A) – Disclosure of Expert Testimony:**

Plaintiff City of Phoenix will provide disclosures of expert testimony as required by Rule 26(a)(2) on the schedule directed by the Court and as required by Rule 26(a)(2)(D) supplement if and when experts are retained.

**VI. Fed. R. Civ. P. 26(a)(2)(B) – Summary of Expert:**

Plaintiff City of Phoenix will supplement if and when experts are retained.

DATED this 10th day of August, 2018.

**Office of the Phoenix City Attorney**

Brad Holm, City Attorney

By: /s/ Patricia J. Boland

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of August, 2018, a copy of the Plaintiff City of Phoenix's Initial Disclosures were served via electronically to the parties as follows:

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